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By: **Senator Miller**

Introduced and read first time: February 25, 2004

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services - Concurrent and Consecutive Sentences - Offenders**  
3 **on Parole**

4 FOR the purpose of requiring a new sentence to run concurrently with the time to be  
5 served on the original term when an individual is convicted of a crime  
6 committed while on parole; repealing the requirement that a new sentence run  
7 consecutively to the time to be served on the original term when an individual is  
8 convicted of a crime committed while on parole; requiring a court to determine if  
9 a new sentence is to run concurrently or consecutively, as provided by a certain  
10 Maryland Rule; requiring that if a new sentence is to run consecutively, the new  
11 sentence shall begin at a certain time; prohibiting a certain parolee from  
12 receiving credit for certain imprisonment under certain circumstances;  
13 providing for the application of this Act; and generally relating to criminal  
14 sentences and revocation of parole.

15 BY repealing and reenacting, with amendments,  
16 Article - Correctional Services  
17 Section 7-403  
18 Annotated Code of Maryland  
19 (1999 Volume and 2003 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article - Correctional Services  
22 Section 7-502(b) and 9-202  
23 Annotated Code of Maryland  
24 (1999 Volume and 2003 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Correctional Services**

2 7-403.

3 (a) (1) If a parolee is convicted of a crime committed while on parole and is  
4 sentenced to an additional term of imprisonment in any correctional facility in this  
5 State, the new sentence shall run [consecutive to] CONCURRENTLY WITH the time to  
6 be served on the original term unless the judge imposing the new sentence expressly  
7 orders otherwise.

8 (2) THE COURT SHALL DETERMINE IF THE NEW SENTENCE IS TO RUN  
9 CONCURRENTLY OR CONSECUTIVELY, AS REQUIRED UNDER MARYLAND RULE  
10 4-351(A)(5).

11 (3) IF THE NEW SENTENCE IS TO RUN CONSECUTIVELY:

12 (I) THE NEW SENTENCE SHALL BEGIN AS PROVIDED IN § 9-202(C)  
13 OF THIS ARTICLE; AND

14 (II) THE PAROLEE MAY NOT RECEIVE CREDIT FOR IMPRISONMENT  
15 ON THE ORIGINAL AND NEW SENTENCES FOR THE SAME PERIOD OF TIME.

16 (b) If a parolee is convicted in another state of a crime committed while on  
17 parole and is sentenced to serve a term of imprisonment in a correctional facility in  
18 the other state, the Commission shall file with the managing official of the  
19 correctional facility in the other state a declaration of violation of parole to serve as a  
20 detainer on the parolee's release from the correctional facility.

21 7-502.

22 (b) An individual on mandatory supervision is subject to:

23 (1) all laws, rules, regulations, and conditions that apply to parolees; and

24 (2) any special conditions established by a commissioner.

25 9-202.

26 (a) (1) In this section the following words have the meanings indicated.

27 (2) "Division custody" means confinement resulting from a sentence to  
28 the jurisdiction of the Division of Correction.

29 (3) (i) "Non-Division custody" means any post-sentencing criminal  
30 confinement other than Division custody.

31 (ii) "Non-Division custody" includes confinement resulting from a  
32 sentence to:

33 1. a local correctional facility; or

